

REMARKS

Claims 1-20 are pending, and have been rejected, such rejection(s) being traversed below.

A. Claims 1-19 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Pond et al. (US 5,886,690) in view of Bergstedt (US 6,750,886). The Applicant respectfully traverses this rejection for the following reason(s).

Claim 1

An essential characteristic of the invention set forth in claim 1 is the generation of a sub-list comprising a predetermined number of files selected from an entire list of files recorded in a recording medium. Pond fails to anticipate the invention in this regard.

Claim 1 calls for, in part, *an input unit for inputting a display command for displaying a sub-list having a predetermined number of files selected in an entire list of the files recorded in a recording medium; and*

a controller for creating one or more sub-lists from the entire list, each sub-list being different from the other sub-lists, and controlling the display unit to successively display each of the sub-lists through the display unit whenever the display command is input through the input unit.

Here, the Examiner refers to Pond's col. 5, lines 22-40, , col. 6, lines 3-10, col. 7 lines 21-28, Fig. 2 and Fig. 5.

In Paper No. 20060331, paragraph 8 on page 3, the Examiner notes in line 18 "Pond, however, doesn't explicitly state that the channels are files."

Accordingly, it is not clear why the Examiner has used the terms "channels (files)" and

"programs (files) in the preceding lines 5-18 .

In the art of television, a channel is a communication path defined by a predetermined frequency, terms, such a "Species" and "Financial News" identify a program on a channel, and terms such as CNN and TBS are names representing a broadcast company. None of the foregoing are "files".

In noting that Pond fails to explicitly state that the channels are files, the Examiner relies on the apparent teachings found in Bergstedt.

The Examiner suggests that Bergstedt's col. 1, lines 18-49 teaches an electronic program guide using paging functions to move one page of items at a time through a list, similar to Pond.

Further, the Examiner suggests that "paged content is a list of files" and refers to Bergstedt's col. 1, lines 18-36.

It is apparent that the Examiner has attempted, albeit erroneously, to equate the paged content of lines 18-36 with the paged content of lines 37-49.

Bergstedt discloses in col. 1, lines 18-36 "the display of information or "content" **in a window-type graphical user interface (GUI)**. The content can take the form of text, graphics, images, etc., examples of which are document **files**, file folder/directory lists, internet web pages (including those displayed within frames), spreadsheets, databases, digital photographs, drawings, pull-down menu lists, etc. Frequently the window is not large enough to display the entire contents of the file, folder, etc." (emphasis added).

In lines 37-49, however, Bergstedt clearly refers to using the paging function being utilized "to display information other than in a window-type GUI" (emphasis added). Bergstedt then identifies this "other information" as, for example, "a handheld computer such as a personal digital

assistant (PDA), in television display of information such as **an electronic program guide** or internet web pages, on internet appliances, and on a mobile telephone" (emphasis added).

Therefore, Bergstedt's clear differentiation between files and an electronic program guide listing channels supports the Applicant's position that **channels are not equivalent to files**.

The Examiner's remarks, in response to the Applicant's traversal of the rejections, set forth in Response filed 5 July 2006, are untenable.

On page 11 (Paper No. 20060823), paragraph 30, the Examiner unreasonably suggests that the Applicant would hold that the files in a PDA are not files. The Applicant, however, knows full well that files in a PDA are files. The Applicant also knows that the files in a PDA are **not** "channels."

Additionally, although an electronic program guide lists channels, the electronic program guide is not a file when displayed on a television. It is usually information imbedded in a vertical blanking interval of a television signal. There has been no showing that a list of channels in a displayed electronic program guide is a set of files.

Since, in Paper No. 20060331, paragraph 8 on page 3, the Examiner notes in line 18 "Pond, however, doesn't explicitly state that the channels are files," the Examiner should explain how files in a PDA are equivalent to "channels", or how channels listed on an electronic program guide are equivalent to files, since the Applicant's arguments are that Bergstedt **fails to teach** that "channels" are equivalent to "files".

The Examiner erroneously suggests that one of ordinary skill in the art would have been

motivated to combine Pond and Bergstedt to include files in a paging display.

Files in a paging display are old and well known in the art. The Windows operating system includes files in a paging display.

The Examiner has not provided any reason why one of ordinary skill in the art would desire include files in Pond's electronic program guide.

The Examiner's suggestion of motivation states one would have been motivated to combine Pond and Bergstedt "because a means to substitute a sub-list of items with a subsequent sub-list of item, instead of replacing one item at a time, would be desirable in any list of items that can't be simultaneously displayed."

Note that Pond already discloses having a Page Mode. Pond discloses that remote control unit 18 includes PAGE key 40 which can be used to display a screen that allows the user to "page" forward, backward, up and down through various screens in a "page" mode. According to one aspect of the "page" mode, the up and down arrow keys will display only a selected subset of the available channels (i.e., ten (10) channels at a time) and the program screen guide includes a page bar for identifying the presence of any selectable program channels that are not present on the currently displayed channel bar. See Pond, col. 5, lines 22+.

Accordingly, the Examiner's basis of motivation to combine Pond and Bergstedt is without merit.

On page 12 (Paper No. 20060823), paragraph 32, the Examiner acknowledges that Pond teaches paging of items in an electronic program guide, as taught by Bergstedt. The question is one of whether or not one would have been motivated by Bergstedt to modify Ponds paging of items in

an electronic program guide. Bergstedt clearly discusses two separate concepts, one of displaying files in a **in a window-type graphical user interface (GUI)** and one of displaying an electronic program guide **other than in a window-type GUI**. Bergstedt discussion of files in separate context than the discussion of an electronic program guide is clear evidence that one of ordinary skill in the art would not have looked to Bergstedt's discussion of "files" to modify Pond's discussion of an electronic program guide.

Accordingly, the Examiner's basis of motivation to combine Pond and Bergstedt is without merit.

Accordingly, the prior art of Pond and Bergstedt, taken separately or in combination, fails to teach *an input unit for inputting a display command for displaying a sub-list having a predetermined number of files selected in an entire list of the files recorded in a recording medium; and*

a controller for creating one or more sub-lists from the entire list, each sub-list being different from the other sub-lists, and controlling the display unit to successively display each of the sub-lists through the display unit whenever the display command is input through the input unit.

Accordingly, the rejection of claim 1 is deemed to be in error and should be withdrawn. Claims 10 and 14 are similar with regard to the claimed feature to *files*, thus claims 10 and 14 are deemed to be non-obvious for the same reasons as claim 1. Therefore, the rejection of claims 1-19 under §103 should be withdrawn.

B. Claim 20 was rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Pond et al. (US 5,886,690) in view of Bergstedt (US 6,750,886) and in further view of van Zoest et al. (US 6,496,802). The Applicant respectfully traverses this rejection for the following reason(s).

Claim 20 is deemed to be non-obvious for the same reasons as claims 1-19.

Additionally, Pond is directed to television and in particular an on-screen guide of television channels. One of ordinary skill in the art would have no motivation to look to Zoest's teachings of *music data* for modifying Pond or even combining the teachings of Pond and Zoest.

The Examiner suggests the motivation would have been because the "Pond and Bergstedt's system would provide the same quick maneuverability with music as it did with movies, and further Pond stated the use of his system for entertainment data."

Pond states: "The present invention relates generally to a programming control system used in conjunction with a television system. More specifically, the present invention provides an improved method and apparatus that allows a television viewer to access an on-screen listing of television programs."

Pond does not use the generalized phrase "entertainment data".

Accordingly, one of ordinary skill in the art of television systems would not have looked to Zoest for music data.

The Examiner, on page 13 (Paper No. 20060823), paragraph 34, essentially repeats the

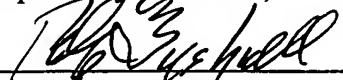
motivation set forth in the rejection, i.e., because the "Pond and Bergstedt's system would provide the same quick maneuverability with music as it did with movies, and further Pond stated the use of his system for entertainment data," and fails to traverse the Applicant's holding that Pond does not use the generalized phrase "entertainment data".

Accordingly, the rejection of claim 20 is deemed to be in error and should be withdrawn.

The Examiner is respectfully requested to reconsider the application, withdraw the objections and/or rejections and pass the application to issue in view of the above amendments and/or remarks.

Should a Petition for extension of time be required with the filing of this Amendent, the Commissioner is kindly requested to treat this paragraph as such a request and is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of the incurred fee if, **and only if**, a petition for extension of time be required **and** a check of the requisite amount is not enclosed.

Respectfully submitted,



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